IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 647 of 2003

Between:

1 Garrepalli Venu Kumar, S/o.G.Bhoomaiah,
R/o.4-5-166, Anand Nagar, Karimnagar.
2 Smt.G.Kavitha, W/o.G.Nagaraju, R/o.3-3-112,

Sawaran Street, Karimnagar.
3 G.Bhoomaiah, S/o.G.Ramaiah, R/o.4-5-166,

Anand Nagar, Karimnagar.

..... PETITIONERS

AND

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The Circle Inspector of Police,
I Town Police Station, Karimnagar,

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or like any other appropriate writ declaring the action of respondent dt.2.1.2003 by calling the writ petitioners 1 and 3 along with other persons by name Ch. Prabhakar and others to the office of the respondent, by the respondent in 1-Town police Station, Karimnagar and making them to sit for more then 1 1/2 hours, threatening the writ petitioners to file criminal cases by falsely involving them and insisting and forcing the writ petitioners to obey his command and to settle property disputes in the police station as per his command etc., as illegal and without jurisdiction.

Counsel for the Petitioner: MR.BANKATLAL MANDHANI

Counsel for the Respondent: GP FOR HOME

The Court made the following :

ORDER:

It is the case of the petitioners that they purchased 1018 sq. yds. Of land in Karimnagar town under two registered sale deeds and that their vendors got the property in family partition. They also allege that they are in possession of the property. However, the subsequent purchasers of some other property filed O.S.No.1345 of 1993 against the vendor of the petitioners and that when third party failed to get an appropriate order they approach the Police Station. It is their specific allegation that the respondent called the first petitioner and his father to Police Station on 2.1.2002 and made enquiries about the property. Apprehending that there would be threat to their lives, they filed the present writ petition seeking a direction to the respondent not to interfere with the civil dispute and not to call them to the Police Station.

Though the writ petition was admitted on 10.1.2003 and though this court passed interim orders directing the respondent not to interfere with civil disputes, the respondent has not chosen to file any counter affidavit. Be that as it is as held by this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada,** police cannot interfere in civil disputes.

In **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ

petition is disposed of directing the respondent not to interfere in the civil disputes, if any, between the petitioner, her vendor and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V.V.S. RAO, J.

8th July, 2005

Js

To

1 The Circle Inspector of Police, I Town Police Station, Karimnagar.

2 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

3 2 CD copies.